REMARKS

In the July 30, 2007 Office Action, the Examiner noted that claims 1-12 were pending in the application; rejected claim 10 under 35 U.S.C. § 101; and rejected claims 1-12 under 35 USC § 103(a). In rejecting the claims, U.S. Patents 5,960,383 to Fleischer and 6,560,620 to Ching (References A and B, respectively, in the December 17, 2004 Office Action) were cited. Claim 10 has been canceled and claim 13 has been added. Thus, claims 1-9 and 11-13 remain in the case. The rejections are traversed below.

Rejection under 35 U.S.C. § 101

In item 3 on page 3 of the July 30, 2007 Office Action, claim 10 was rejected under 35 U.S.C. § 101. Claim 10 has been canceled and thus, this rejection is moot.

Rejection under 35 U.S.C. § 103(a)

In item 4 on pages 4-6 of the July 30, 2007 Office Action, claims 1-12 were rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Ching and Fleischer. In rejecting claims 1 and 9-12, only lines 22-24 and 34-38 in column 2 and Fig. 8 of Ching and column 4, lines 1-30 and 44-52 of Fleischer were cited. In addition, the Response to Arguments in item 2 on page 2 of the July 30, 2007 Office Action asserted that the arguments on page 9 of the March 12, 2007 Substitute Appeal Brief were incorrect in stating the "nothing has been cited in Fleischer ... that suggests detection of topics as a sequence of paragraphs (or chapters or sentences, for that matter)" (Substitute Appeal Brief, page9, lines 1-4). In rebuttal of this statement in the Substitute Appeal Brief, column 4, lines 1-30 and 44-52 of Fleischer were cited as disclosing "segmenting a document ... [by] ranking sections within a document," "using similarity (sic) graded topics ... [by outputting] ranked paragraphs based on the number of lines within that paragraph, upon which the size or grade of a paragraph is determined" and "rank[ing] words and phrases based on their relevancy to the topic (subject matter) of the document ..." As noted in the Substitute Appeal Brief, these statements in the July 30, 2007 Office Action contradict the statement in the February 27, 2006 Office Action that "[n]either Mani nor Fleischer teach an apparatus that detects topics of various sizes" (February 27, 2006 Office Action, page 4, last line).

First, it is submitted that Ching. is directed to subject matter so different from the present invention that it cannot be used as a primary reference. The sentences cited in Ching on lines 22-24 and 34-38 in column 2 were apparently carefully chosen to avoid including the statements that describe the basic function of the system disclosed by Ching. Ching is directed to a system

that enables a user to "request the document server computer to compare … selected documents" (column 2, lines 23-24), where "[o]rdinarily, the selected documents would be the current version and the immediately prior version of the same document" (column 2, lines 38-39). While Ching permits a user to select any pair of documents, the basic function performed by Ching is comparing two documents and displaying "segments identified as containing modifications or changes are listed in a side-by-side display on the user computer" (column 2, lines 32-34).

Contrary to the assertions in the July 30, 2007 Office Action, Ching does not disclose "extracting a topic that commonly appears in the plurality of documents based on the recognized thematic hierarchies" (e.g., claim 1, lines 8-9) or "taking out a description part corresponding to the extracted topic from each of the plurality of documents and outputting the taken-out description parts as related passages among of the documents" (e.g., claim 1, last 3 lines). Rather, what is disclosed in column 2 of Ching is extracting *segments that are not identical* for side-by-side display, so that they can be compared by a user. In other words, not only does Ching not disclose "recognizing a thematic hierarchy" (e.g., claim 1, line 3), as acknowledged in the Office Action, but the extracting and displaying described in column 2 of Ching are not related to "a topic" or "thematic hierarchies" or "the extracted topic" as required by all of the independent claims. Thus, even if Fleischer disclosed "recognizing a thematic hierarchy" (e.g., claim 1, line 3) in the manner recited in the claims, the combination of Ching and Fleischer would not teach or suggest the claimed invention. The remaining limitations recited in the claims are not taught by Ching and Fleischer does not suggest modification of Ching to meet the limitations recited in the claims, because nothing has been cited or found that would make it obvious to one of ordinary skill in the art to modify a file comparison system like that taught by Ching to be used in a system that detects thematic similarities in documents.

Furthermore, it is submitted that Fleischer does not disclose "recognizing a thematic hierarchy" (e.g., claim 1, line 3) as that phrase is used in the application or as defined on, e.g., lines 4-7 of claim 1. As described at page 11, lines 21-23 and page 16, line 21 to page 17, line 18, "a thematic hierarchy" refers to an arrangement of topics and subtopics organized in a "hierarchy" according to the "theme" in the topic. The most relevant teaching that has been found in Fleischer to determining a theme of section(s) of a document are steps 44, 46 and 48 of Fig. 5 as described at column 4, line 65 to column 5, line 30 and no suggestion of any kind of hierarchy can be found in this portion of Fleischer. Column 4, lines 44-52 in Fleischer which were cited in the Office Action as allegedly disclosing "recognizing a thematic hierarchy of a document" (Office Action, page 4, line 21) merely describes the first step of the process, i.e.,

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generating a "noun phrase list ... characteristic of the content of an input document" (column 4, lines 42-44) which can be compared with the noun phrases in the individual sections, to rank each section by its relevance to "the document as a whole" (column 4, line 50). This does not constitute determining a "thematic hierarchy," but rather ranking relevance of sections. The two concepts are clearly not the same, given the recitation on lines 4-7 of claim 1 and in the other independent claims regarding how thematic hierarchy is determined.

Claim 13 has been added to recite that "the thematic hierarchy recognizing device determines the thematic hierarchy according to topic-subtopic relations between topics." As discussed in the preceding paragraph, there is no suggestion of any kind of "topic-subtopic relations between topics" in Fleischer and the July 30, 2007 Office Action acknowledged that Ching "does not ... teach recognizing a thematic hierarchy of a document" (Office Action, page 4, line 16). Thus, there should be no question that claim 13 patentably distinguishes over the combination of Ching and Fleischer.

Summary

It is submitted that the references cited by the Examiner do not teach or suggest the features of the present claimed invention. Thus, it is submitted that claims 1-9 and 11-13 are in a condition suitable for allowance. Reconsideration of the claims and an early Notice of Allowance are earnestly solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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